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MEMORANDUM ENDORSED

May 14, 2025

**VIA ECF**

The Honorable Magistrate Judge Gabriel W. Gorenstein  
United States District Court for the Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re: Asset Co IM Rest, LLC et al. v. Katzoff et al., Case No. 23-cv-9691-JPC-GWG**

Dear Judge Gorenstein:

I write on behalf of Plaintiffs Asset Co IM Rest, LLC, Il Mulino Joint Ventures, LLC, and Receivables IM Rest, LLC (together, “Plaintiffs”) to provide a further update regarding, and request a modification of, the deadlines set forth in Paragraph 2 of the operative scheduling order (Dkt. No. 138, as amended by Dkt Nos. 140 and 143, the “Scheduling Order”).

While Plaintiffs are respectful of Mr. Katzoff’s situation (*see* Dkt. Nos. 139, 142), in light of (a) the amount of time that has passed since the Scheduling Order’s deadlines were first extended, (b) the fact that fact discovery would have been completed months ago were it not for Defendants’ violation of prior discovery deadlines (*see, e.g.*, Dkt. No. 127), (c) the fact that issues concerning Defendants’ document production remain pending since the Scheduling Order’s deadlines were first extended (*see* Dkt. No. 139 at 2 n.2; Dkt. No. 142 at 2 n.2), and (d) the prejudice Plaintiffs have suffered because of Defendants’ past, repeated delays and violations of scheduling orders (*see* Dkt. Nos. 116-21, 125-32), Plaintiffs believe that the Parties should and can proceed with the remaining fact discovery aside from a deposition of Mr. Katzoff if and while it remains unfeasible. Accordingly, Plaintiffs propose the following regarding the completion of fact discovery:

- The Parties shall confer further regarding Defendants’ outstanding document production issues and, if the Parties reach an impasse on any of these issues, Plaintiffs shall raise the disputed issues with the Court by no later than May 23, 2025.

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- Defendants shall produce all remaining documents that Defendants have agreed to, do agree to, and/or are ordered by the Court to produce, by no later than June 16, 2025.
- Plaintiffs' inspection of Il Giglio shall occur by June 16, 2025.
- All noticed fact depositions other than Mr. Katzoff's deposition shall occur by June 30, 2025.
- On May 29, 2025 and June 16, 2025, counsel for Defendants shall provide updates to counsel for Plaintiffs concerning Mr. Katzoff's ability to sit for deposition. If Mr. Katzoff is able to sit for deposition, his deposition shall occur by no later than June 23, 2025; if Mr. Katzoff is unable to sit for deposition, then as part of the Parties' letter to be submitted on June 16, 2025, the Parties will provide a further update to the Court regarding an anticipated date for Mr. Katzoff's deposition.
- On June 16, 2025, the Parties shall submit to the Court a joint letter to propose amended deadlines for the deadlines contained in Paragraphs 3, 4, 6, and 7 of the Scheduling Order.

Plaintiffs therefore respectfully request that the Court endorse and enter the above schedule governing the remaining fact discovery and deadlines in this action.

Plaintiffs' undersigned counsel certifies that the parties engaged in a thirty-minute telephonic meet and confer at 4:00 p.m. on May 14, 2025, attended by Plaintiffs' counsel Donald Reinhard and Defendants' counsel Brent "Giles" Davis, during which Defendants' counsel indicated that Defendants would not consent to Plaintiffs' proposed schedule for the completion of fact discovery or any deadlines for the completion of any of the remaining fact discovery. Plaintiffs' counsel confirmed that the parties were at an impasse and that, accordingly, Plaintiffs intended to raise these scheduling issues with the Court.

The Parties have requested six previous extensions to the case schedule (Dkt. Nos. 123, 133, 135, 137, 139, 142)<sup>1</sup>, which the Court granted (Dkt. Nos. 124, 134, 136, 138, 140, 143).

Defendants having filed no response to this proposal by the deadline set forth in paragraph 2.A of the Court's Individual Practices, the proposed schedule as set forth in this letter is approved.

Respectfully submitted,

/s/ Donald J. Reinhard

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Donald J. Reinhard

So Ordered.



GABRIEL W. GORENSTEIN  
United States Magistrate Judge

May 19, 2025